



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: #14310-00000-00165

Date Received: 14 MAR 2014

Commission/Civic: Italian Vill

Existing Zoning: _____ Application Accepted by: IF

Fee: \$320-

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)



Variance



Special Permit

Indicate what the proposal is and list applicable code sections.

See Attached Exhibit A

LOCATION

1. Certified Address Number and Street Name 737 KERR ST.

City COLUMBUS

State OHIO

Zip 43215

Parcel Number (only one required) 010-023043

APPLICANT: (IF DIFFERENT FROM OWNER)

Name ERIC D. MARTINEAU, attorney for Owner

Address 22 E 4th Ave. Suite 1A

City/State Columbus OH

Zip 43201

Phone # 614/297-6488

Fax # 614/297-6378

Email edm@wowway.com

PROPERTY OWNER(S):

Name Berry PHIO Holdings, LLC (Paula Berry, 100% owner)

Address 9440 Viste Point Dr.

City/State Theraville OH

Zip 43076

Phone # 614/206-1048

Fax # _____

Email pberry@berryandmiller.com

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name ERIC D. MARTINEAU

Address 22 E 4th Ave. Suite 1A

City/State Columbus, OH

Zip 43201

Phone # 614/297-6488

Fax # 614/297-6378

Email: edm@wowway.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE Paula Berry, managing member

ATTORNEY / AGENT SIGNATURE [Signature]

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer

737 KERR STREET



One Stop Shop Zoning Report Date: Thu Apr 3 2014

[illegible]



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AFFIDAVIT

14310-00000-00165

737 KERR STREET

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME ERIC D. MARTINEAU
of (1) MAILING ADDRESS 22 E 4th Ave. Suite 1A, Columbus OH 43201
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the
name(s) and mailing address(es) of all the owners of record of the property located at 737 KERR ST.

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building
and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) BERRY OHIO HOLDINGS, LLC

AND MAILING ADDRESS

9440 VISTA POINT DR.

THORNVILLE OH 43076

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

ERIC D. MARTINEAU 614/297-6488

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) ITALIAN VILLAGE COMMISSION

REX HAGELINK

HPO/CONNIE TORBECK

50 W. GAY ST. COLUMBUS OH 43215

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County
Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125
feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within
125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to
the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See attached Exhibit C

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8)

Subscribed to me in my presence and before me this 14 day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

JORDAN T. MOYER

NOTARY PUBLIC

STATE OF OHIO

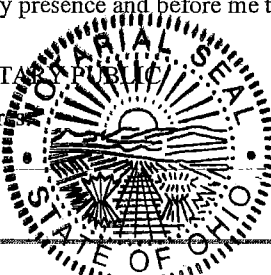
Recorded in

Franklin County

My Comm. Exp. 7/20/15

My Commission Expires

Notary Seal Here



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STATEMENT OF HARDSHIP

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

See Attached Exhibit B

Signature of Applicant

Date

3/13/14

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Exhibit A – Proposal and List of Applicable Code Sections.

Summary: conversion of a 2 family house into a single-family residence, including the addition of a single-car garage on the first floor and a second floor addition over the new garage and an earlier addition.

Zoning variances for this project and to make the existing structure conforming include the following:

3332.18 – Lot Coverage. Variance to allow structures to occupy 70% of the lot area.

3312.49 – Minimum number of required parking spaces. The current two-family house has zero off-street parking. The project will provide for 1 garage space.

3332.21 – Building Line. To conform the existing building line of 0'.

3332.25 – Building setback – to conform to existing 0' setback (3 sides, including addition on the south side)

3332.26 – minimum side-yard. Variance to conform with existing 0' side-yard (3 sides, including addition on the south side)

3321.05 – Vision clearance. Variance from 10' vision triangle requirement to conform with existing 0' vision clearance.

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Exhibit B – Statement of Hardship

The owner seeks to update the property to provide for additional living area as well as off-street parking. The project will involve conversion of a 2 family house into a single-family residence, including the addition of a single-car garage on the first floor and a second floor addition over the new garage and an earlier addition.

The property is located in a Historic District (Italian Village) and the lot was platted and the existing structure was built prior to implementation of the Zoning Code. It is a very small lot (40'x'50') and the owner will not be able to fully utilize the property as a single family residence with enclosed off-street parking without granting a variance as to lot coverage (Section 3332.18 – Lot Coverage). The size of the lot is not the result of any action by Owner and granting the variance as to lot coverage will enable this lot to be used in a manner consistent with the residential character of the lot and in a manner similar to other properties in the Italian Village historic district.

The variances other than lot coverage are requested to recognize existing components of the structure which do not conform with the Zoning Code. Each of the following already exist and the Applicant asks the Board to grant the variances so that the existing historic structure is able to be rebuilt as-is in the event of catastrophic loss.

3312.49 – Minimum number of required parking spaces. The current two-family house has zero off-street parking. The project will provide for 1 garage space with no loss of curb or on-street parking.

3332.21 – Building Line. To conform the existing building line of 0'.

3332.25 – Building setback – to conform to existing 0' setback (3 sides, including addition on the south side)

3332.26 – minimum side-yard. Variance to conform with existing 0' side-yard (3 sides, including addition on the south side)

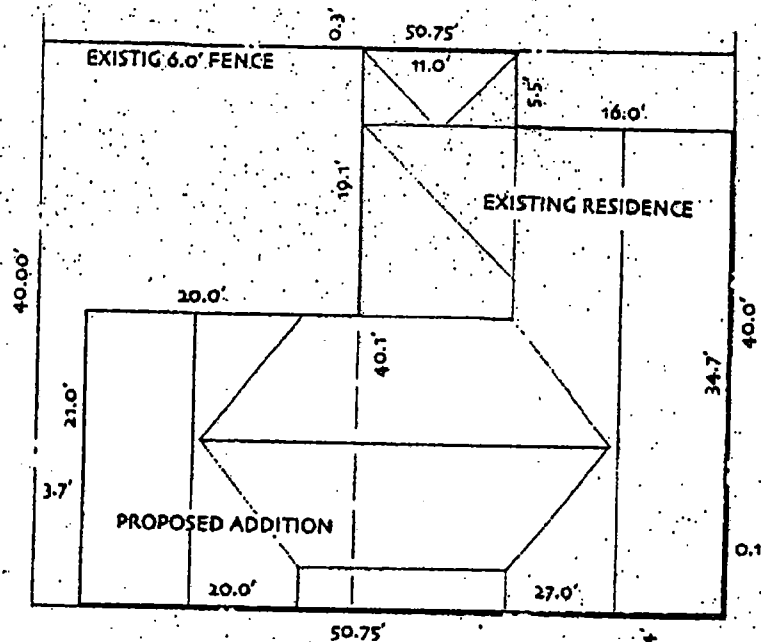
3321.05 – Vision clearance. Variance from 10' vision triangle requirement to conform with existing 0' vision clearance.

Many other property owners in the same zoning district and in particular in the Italian Village historical district have houses which do not conform to Sections 3321.05, 3332.21,25 and 26. Granting Applicant's request will preserve a substantial property right- the right to keep the home in the historical state is it in and further to allow applicant to develop and improve its parking facilities- which rights are possessed and exercised by owners of other property in the same zoning district.

The requested variance will not interfere with any neighboring property owners' use of his/her property or otherwise prevent the further development of any neighboring property. Additionally, granting applicant's request will not be contrary to the public interest or the purpose of the Zoning Code as the requested variance will increase the value of the applicant's property and the value of neighboring properties; still provide for adequate light, air and open space; reinforce the residential nature of the district and enhance the historical nature of the neighborhood by building in a style, manner and location consistent with the historic location and the setback of the original house, and; would not prove a fire hazard as the new construction is not within 3' of any property boundary other than that facing a public right-of-way. Finally, the application is consistent with the Zoning Code's recognized exception found in Section 3332.26(G), which permits homes which pre-date 1954 and which have non-complying side-yards to extend the home along the original side yard lines, as this garage and addition will not be any closer to the property line than the existing house.

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Kerr Street 50.0' R/W

Cedar Alley 21.67' R/W

Site Plan

Scale 1/8" = 1'-0"



Project Scope

The scope of this project involves adding an attached single car garage on the first floor and a second floor addition over the new garage as well as over an existing earlier addition. The project also includes conversion of an existing two family residence into a single family residence.

Zoning Information

Parcel ID Number 010-023043-80
 Zoning District R4
 Existing Use 2-Family Residential
 Existing Use Single Family Residential
 Flood Zone OUT

Setbacks	Existing	Proposed	Addition
North	0.3'	No Change	19.0'
South	0.0'	No Change	0.0'
East	0.1'	No Change	NA
West	23.7'	3.7'	3.7'

Parking 0 spaces one garage space

Lot Size 40.0' X 50.75' (2,030 SQ FT)

Rear Yard 530.37 SQ FT (26.1%)

Lot Coverage
 Existing House 997.4 SF (49 %)
 Proposed Addition 420.5 SF
 Total 1,417.4 SF (70 %)

☐ PRELIMINARY
☐ CONSTRUCTION

Additions and Alterations to:
 737-741 Kerr Street
 The Berry Residence
 Columbus, Ohio

Urbanorder
 architecture
 787 summit street, columbus ohio 43215
 tel. 614-299-0028 urbanorder.com



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED provided.

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APPLICANT

737 KERR STREET

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) ERIC D. MARTINEAU
of (COMPLETE ADDRESS) 22 E 4th Ave, Suite 1A, Columbus OH 43201
deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

BERRY OHIO HOLDINGS, LLC 2440 Vista Point Dr. Thomv. Hc OH 43076
(Paula Berry, owner of 100% membership of Berry Ohio Holdings, LLC)

SIGNATURE OF AFFIANT

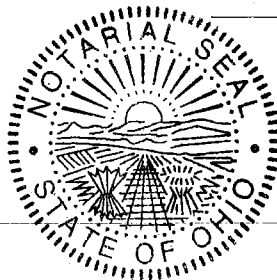
Subscribed to me in my presence and before me this 14 day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

7/20/15

Notary Seal Here



JORDAN T. MOYER
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 7/20/15

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